

**IN THE HIGH COURT OF JUSTICE OF THE FEDERAL CAPITAL TERRITORY
HOLDEN AT ABUJA**

BEFORE HIS LORDSHIP HON JUSTICE VALENTINE B. ASHI

SUIT NO: FCT/HC/CR/9/2015

BETWEEN

FEDERAL REPUBLIC OF NIGERIA

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}

PLAINTIFF

AND

VALENTINO CHIBUEZE ENUDI & 1 OR

}
}

DEFENDANTS

3RD OF FEBRUARY, 2016

JUDGMENT

Defendants were initially jointly charged with 15 counts of various offences under various penal statutes applicable to the FCT. Charge was filed on the 13th of November 2015 and plea taken on the 18th of January, 2015. However, on that day learned counsel informed court that defendants have expressed a desire to enter into a plea bargain. Today court is informed that the plea bargain is successful culminating in a written in a written agreement.

Meanwhile, prosecution applied for and was granted leave to withdraw the charge filed on the 13th of November 2015 and substitute same with an amended charge filed on the 2nd of February, 2016. Application nit being opposed was granted as prayed. The amended charge ostensibility intended to accommodate the extra – judicial agreement of plea bargain and it has drastically altered the original charge from 15 counts to only 2 counts, which are concisely for the offence of conspiracy to cheat Mr. Osamemweze Osazee and cheating the same person by dishonestly inducing him to part with the sum of N220,000.00 (Two Hundred & Twenty Thousand Naira) only, in furtherance of a deceit to procure for him a British Entry Visa to the United Kingdom (UK).

Both counts are stated to be punishable under S.322 of the Penal Code and the terms of imprisonment for each upon conviction is term of imprisonment up to 3 years with an option of fine or both. A fresh plea was taken based on the amended information. The new plea (unlike the previous information) is that of guilty by each of the defendants in each of the counts. Despite the plea of guilty, as required by law, court is obliged to listen to the facts in support of the charge and admit real and documentary evidence, if any. PW1 therefore testified for the prosecution and through him several documents variously marked Exhibit 'A' – 'S2' were admitted from the Bar by consent of counsel. Also admitted from the Bar by consent of counsel are Exhibit 'T' and 'U' respectively, being two separate plea bargain agreements with the prosecution.

I have studied the facts as narrated by the prosecution through the PW1. In my view, no aspect of the narrative or the documentary evidence admitted have controverted the plea of guilty made by the defendant. Now, significance of a plea of guilty is that the court shall convict the accused as charged and sentence him appropriately. In my view, in the circumstances of the present case the conviction should not be made with the hind sight of the previous charge. Rather, in my further view, there is a greater sense of justice in focusing attention on the amended charge which is the governing charge in this case.

As stated earlier, it is a two count charge under the penal code and the maximum punishment is 3 years imprisonment with or without an option of time or with both a term of years and a fine. Let me first deal with the conviction of the defendants. In view of their respective unequivocal plea of guilty, each of the defendants is hereby convicted on each of the two counts as charged. On

sentencing, I have taken into account the plea bargain evidenced by Exhibits 'T' and 'U' before me.

I have taken note of the submissions of prosecution that they are recommending 3 months imprisonment as the appropriate sentence. I have also taken note of the grounds for the plea of alibi made by each of the defence counsel for the 1st and 2nd defendants, especially their plea for reduction of remanded sentence. Based on the provision of S.124 of the Evidence Act enabling me so to do, I am of the view that it is a fact of common knowledge that in our country Nigeria today, the public views corruption; fraudulent transactions and financial crimes whether committed against individuals or the public treasury as highly reprehensible and damnable evermore than hitherto was the case.

Consistent with the same statutory enablement, I feel the mood of the public and I am aware that a cross section expects courts to impose maximum punishment sometime bizarre notions even outside the prescribed legal limits as a mark of disavowal of the pervading trend. I recall with a measure of sadness how the public reacted to a sentence once imposed by this Honourable Court about two years ago in a financial fraud case which did not meet the raging expectation of a cross – section of the enlighten public.

Despite all this, I am with the view that we cannot be enslaved to mob We must continue to dispense justice according to the law enforce for the time being until it is changed by..... Against the background of all the foregoing, I hereby sentence each of the defendants who were jointly charged as follows:

- **COUNT 1**

6 months in prison or a fine of N200, 000.00 (Two Hundred Thousand Naira) only against each of the defendants separately.

- **COUNT 2**

6 months in prison or a fine of N200, 000.00 (Two Hundred Thousand Naira) only, against each of the defendants separately. Sentences are to run concurrently.

Sgd.

Hon. Judge

03/02/16